Supreme Court, U.S.
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OFFICE OF THE CLERK

No.

IN THE SUPREME COURT OF THE UNITED STATES

CHRISTOPHER P. McDONNELL,
Petitioner

v.

COMMITTEE ON CHARACTER AND FITNESS FOR THE SUPREME COURT, STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT
and
SUPREME COURT, STATE OF NEW YORK, APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT.
Respondents

On Petition for a Writ of Certiorari to
The New York Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Christopher P. McDonnell
Petitioner Pro-Se

CHRISTOPHER P. McDONNELL
27-06 160th Street
Flushing, New York 11358
(718) 746-1615

79 ppf/0

QUESTION PRESENTED

Whether a bar applicant was denied procedural Due Process when the bar applicant has been denied admission to that state bar without being given any grounds or reasons for the denial other than not "demonstrating the requisite fitness."

LIST OF PARTIES

Petitioner:

Christopher P. McDonnell

Respondents in Interest:

Supreme Court of the State of New York
Appellate Division: Second Judicial
Department

Committee on Character and Fitness,
Appellate Division of the Supreme Court
of New York, Second Judicial Department

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A. THE REQUIRMENTS OF PROCEDURAL DUE PROCESS MUST BE MET BEFORE A STATE CAN EXCLUDE A PERSON FROM THE PRACTICE OF LAW.

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OPINIONS BELOW

The decision of the State of New York Court of Appeals was rendered on October 17, 2000. That decision is reproduced at page A-1 of the appendix to this petition ("Pet. App.").

This decision was with respect to an appeal as of right and by permission to the New York State Court of Appeals from an decision and order rendered by the Supreme Court of the State of New York, Appellate Division, Second Judicial Department on June 13, 2000. That decision and order is reproduced at page A-3 of the appendix.

The controversy initially arose out of a Decision and Order rendered by the Supreme Court of the State of New York, Appellate Division, Second Judicial Department rendered on January 4, 1996. That decision is reproduced at page A-5 of the appendix.

JURSIDICTION

The decision of the New York State Court of Appeals was issued on October 17, 2000. This filing is within the 90-day period required for filing. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. Section 1254(1). the New York Court of Appeals, the highest Court in the State of New York, has decided a federal question in a way that conflicts with relevant decisions of this Court.

CONSTITUTIONAL PROVISIONS INVOLVED

The Fourteenth Amendment to the Constitution of the United States provides that:

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

On or about March 1, 1995, after having attained a Juris Doctor degree from Hofstra University of Law, successfully passing the Multistate Professional Responsibility Exam and successfully passing the New York State Bar Examination, Petitioner Christopher P. McDonnell, made application to the Committee on Character and Fitness for the Supreme Court, Second Judicial Department. Petitioner properly amended this application on or about May 15, 1995.

After a standard interview with a Committee Member, applicant testified at a hearing before a subcommittee of the Committee on Character and Fitness on or about September 7, 1995. Petitioner claims that certain information adverse to his character and fitness was withheld from him and his attorney at this hearing. (Pet. App. A-52-57). Subsequently, the Office of the Attorney General advised Petitioner for the State of New York that the Committee on Character and Fitness voted by a majority to admit applicant to practice law before the Courts of the State of New York. (See Pet. App. A-54).

Despite the majority vote to admit applicant, (See Pet. App. A-54) the Appellate Division, Second Judicial Department, rendered a Decision and Order, dated January 4, 1996 denying Petitioner admission to the Bar of the State of New York. The Decision and Order stated that "the Petitioner does not demonstrate the requisite fitness to practice law." (Pet. App.

A-7). The Decision and Order did not give any reasons or grounds upon which the Court had determined that the applicant did not possess the requisite fitness to practice law. Despite a motion for reconsideration, an appeal as of right and an order to show cause in Federal District Court, no grounds or reasons were given on account of which petitioner was unfit to practice law.

Petitioner unsuccessfully attempted to reverse the Order of January 4, 1996. Among Petitioner's arguments was that the Committee on Character and Fitness failed to disclose information adverse to the character and fitness of the Petitioner prior to, or at, a Subcommittee hearing held on September 7, 1995. (See Pet. App. page A-52-57).

Petitioner made a motion to the Supreme Court of New York, Appellate Division, Second Judicial Department in November of 1997. Petitioner enumerated various qualities evidencing good character and fitness and offered various affidavits attesting to his good character and fitness. This motion, although unopposed, was denied on January 20, 1998. (Pet. App. A-5). The Decision and Order denying this motion did not give any grounds or reasons upon which the Petitioner lacked the requisite fitness to practice law.

Petitioner waited another two years before seeking any relief with respect to his admission to the bar of the State of New York. During this period Petitioner was admitted to various other Courts including the Supreme Court of New Jersey, the United States District

Court, District of New Jersey, the United States Tax Court, and the United States Court of International Trade. (Pet. App.A-15, 16, 21, 22). Petitioner has practiced predominantly as a pool attorney for the Office of the Public Defender, State of New Jersey. Petitioner represents indigent parents who are seeking to rehabilitate themselves, and regain custody of their children. Petitioner also represents indigent parents who are trying to prevent termination of their parental rights. Petitioner is also an Adjunct Professor at the College of Staten Island, City University of New York.

On January 14, 2000 Petitioner made a motion for admission to the Bar of the State of New York to the Supreme Court of New York, Appellate Division, Second Judicial Department. A copy of that motion and the supporting papers are annexed to the appendix. (Pet. App. A-9). This motion was unopposed. On June 13, 2000 the Supreme Court of New York, Appellate Division rendered a Decision and Order on Application in which the Petitioner was denied admission to the Bar of the State of New York. (Pet. App. A-3). The Decision and Order did not state any grounds or reasons upon which the Petitioner was unfit to practice law.

This Decision and Order was appealed both by permission and as a matter of right to the Court of Appeals for the State of New York on July 12, 2000. The issue raised to the Court of Appeals for the State of New York was whether the requirements of procedural due process demanded by the Fourteenth Amendment and the interpretations of that

Amendment by the United States Supreme Court in, among various cases, including Willner v. Committee on Character and Fitness, Appellate Division of the Supreme Court of New York, First Judicial Department, 373 U.S. 96 (1963) required that the Appellate Division state reasons for the denial of Petitioner from the Bar of the State of New York. The Court of Appeals for the State of New York rendered its decision to dismiss the appeal as of right and to deny the appeal by permission by Order dated October 17, 2000. (Pet. App. A-1).

REASONS FOR GRANTING THE WRIT

The Fourteenth Amendment to the Constitution of the United States provides in relevant portion:

> "... nor shall any State deprive any person of life, liberty, or property without due process of law..."

The Due Process Clause of the Fourteenth Amendment as it binds the States has been held to contain implicitly not only the standards of fairness and justness found within the Fifth Amendment's Due Process Clause but also to contain many guarantees that are expressly set out in the Bill of Rights.

This Court has held that any legal proceeding enforced by public authority, whether sanctioned by age or custom, or newly devised in the discretion of the legislative power, in furtherance of the general public good, which regards and preserves these principles of liberty and justice, must be held to the standards of due process of law. Hurtado v. California, 110 U.S. 516 (1884).

This Court expanded the concept of Due Process to bar admission proceedings. The requirements of procedural due process must be met before a State can exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment. Willner v. Committee

on Character and Fitness, Appellate Division of the Supreme Court of New York, First Judicial Department 373 U.S. 96 (1963); Shware v. Board of Bar Examiners of New Mexico, 353 U.S. 232 (1957).

The present issue is justiciable, since the claim of present right to admission to the Bar of a State and the denial of that right is a controversy. See Willner at 97.

After passing the New York bar examination in 1994, petitioner was denied admission to the Bar by a Decision and Order of the Supreme Court of New York, Appellate Division, Second Judicial Department. The Decision and Order carried no opinion, reasons or grounds other than "the petitioner does not demonstrate the requisite fitness to practice law." (See Appendix, page A-7). In the latest of several attempts to gain admission to the Bar of the State of New York, petitioner appealed to the State of New York Court of Appeals the Decision and Order of the Supreme Court of New York, Appellate Division, Second Judicial Department, dated June 13, 2000. The June 13, 2000 Decision and Order also carried no opinion, reasons or grounds other than "the petitioner does not demonstrate the requisite fitness to practice law." (See Appendix, page A-3).

A previous attempt, made in 1998, also resulted in a Decision and Order denying admission without an opinion, reasons or grounds other than "the petitioner does not demonstrate the requisite fitness to practice law." (See Appendix, page A-5).

Petitioner appealed as a matter of right and by permission to the State of New York Court of Appeals. Petitioner alleged in his appeal that the requirements of Due Process arising under the Fourteenth Amendment and as interpreted by the United States Supreme Court demand that reasons be set forth for the denial of petitioner from the Bar of the State of New York. The highest Court of New York issued an Order dismissing the appeal, without opinion, except to state the appeal was dismissed on the ground that no substantial constitutional question is directly involved. The highest court also denied, without opinion, the motion for leave to appeal. (See Pet. App. page A-1).

Without an opinion setting for the reasons upon which he did not demonstrate the requisite fitness, Petitioner cannot be sure of the reasons for refusing to certify him for admission. The lack of reasons obviously does not allow him to try to cure or remedy any deficiency in the "requisite fitness." It is Petitioner's contention that he was denied procedural due process when he was denied admission to the Bar by the Appellate Division without grounds or reasons upon which he did not demonstrate the "requisite fitness."

It is also important to note that the Supreme Court of New York, Appellate Division. Second Judicial Department held no hearings of its own with respect to determining petitioner's character but relied completely upon the report and hearing of the Committee.

Justice Douglas held in Willner that where the Appellate Division held no hearings of its own, to determine petitioner's character but relied entirely upon the report of the Committee, it cannot escape the requirements of Due Process by claiming that the Committee's action was merely advisory. Willner at 104.

Petitioner had no opportunity to ascertain and contest the bases of the Committee's report to the Appellate Division, and, as previously stated, the Appellate Division gave him no separate hearing. Yet, "[t]he requirements of fairness are not exhausted in the taking or consideration of evidence but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps." Willner at 105 citing Morgan v. United States, 304 U.S. 1 at 20.

I. THE DECISION BELOW SQUARELY CONFLICTS WITH THE OPINION OF THE UNITES STATES SUPREME COURT IN WILLNER v. COMMITTEE ON CHARACTER AND FITNESS, 373 U.S. 96 AND SCHWARE V. BOARD OF BAR EXAMINERS OF NEW MEXICO, 353 U.S. 252.

Arbitrarily refusing an applicant admission to the bar may violate Due Process. Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 252 (1957). A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment. Schware at 238-

239; Dent v. West Virginia, 129 U.S. 114; Slochower v. Board of Education, 350 U.S. 551; Wieman v. Updegraff, 344 U.S. 183. The Decision and Orders dated June 13, 2000, January 20, 1998, and January 4, 1996 (See Appendix, pages A-3, A-5, and A-7 respectively) did not give any reasons or grounds upon which the applicant was unfit to practice law. Additionally, the Committee on Character and Fitness set forth no reason for a denial, since it is the contention of the Committee on Character and Fitness that the Full Committee held a meeting on October 27, 1995 in which eighteen member were present and voted by a majority to admit the petitioner to practice law in the State of New York. (See Pet. App. page A-54).

Christopher P. McDonnell was denied admission to the Bar of the State of New York, despite the fact that no reasons were set forth for such denial by either the Committee on Character and Fitness nor by the Supreme Court of New York, Appellate Division, Second Judicial Department.

Despite the constitutional issues raised to the New York State Court of Appeals, the highest Court of New York dismissed the appeal as a matter of right and denied permission to appeal. (See Appendix, page A-1). At no point is the petitioner specifically advised by any finding of the Committee or of the State Courts as to the precise basis of denial to him of either his original or renewed applications for admission. The net result is that this case, whatever it started out to be, has become one in

which Due Process requires either de novo consideration of the Petitioner's application or an orderly sorting out of the issues and an articulated and constitutionally grounded decision on the merits of Petitioner's claim to admission.

CONCLUSION

For the foregoing reasons the petition for certiorari should be granted.

Respectfully submitted,

Christopher P. McDonnell
Petitioner Pro-Se

Christopher P. McDonnell
27-06 160th Street
Flushing, New York 11358
Tel. (718) 746-1615
Petitioner Pro-Se

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State of New York,
Court of Appeals
At a session of the Court, held at Court of Appeals Hall in the City of Albany
On the seventeenth day
of October 2000
Present, HON. JUDITH S. KAYE, *Chief Judge, presiding.*
2-12 Mo. No. 871
In the Matter of Anonymous, for Admission to the Bar of the State of New York,
Appellant.

The appellant having filed notice of appeal and a motion for leave to appeal to the Court of Appeals in the above cause, papers having been submitted thereon and due deliberation having been thereupon had, it is
ORDERED, on the Court's own motion, that the appeal be and the same hereby is dismissed, without costs, upon the ground that no substantial constitutional question is directly involved; and it is
ORDERED, that the said motion for leave to appeal be and the same hereby is denied.

Judge Rosenblatt took no part.

S/_____
Stuart M. Cohen
Clerk of the Court

State of New York Court of Appeals
Stuart M. Cohen
Clerk of the Court
Clerk's Office
Albany, New York 12207-1095

DECISION October 17, 2000

2-12 Mo- No 871
In the Matter of Anonymous, for Admission to the Bar of the State of New York,
Appellant.
On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion for leave to appeal denied.
Judge Rosenblatt took no part.

Supreme Court of the State of New York
Appellate Division : Second Judicial Department
8515Q
M/mm

(NOT TO BE PUBLISHED)

GUY JAMES MANGANO, P.J.
LAWRENCE J. BRACKEN
CORNELIUS J. O'BRIEN
DAVID S RITTER
SONDRA MILLER, JJ.

1995-10109

In the Matter of the Application of
Christopher Peter Mc Dounell, for
Admission to the Bar of the
State of New York

DECISION & ORDER ON APPLICATION

Application by Christopher Peter McDonnell for admission to the Bar of the State of New York. By decision and order of this court dated January 4, 1996, a prior application for admission to the Bar was denied. By further decision and order of this court dated March 27, 1996, the petitioner's motion, *inter alia,* for reargument of the prior application was denied, and the petitioner filed a notice of appeal in the Court of Appeals By order of that court dated May 7, 1996, the petitioner's appeal was dismissed *sua sponte.* Application for admission to the Bar was denied by decision and order of this court dated January 20, 1998.

Upon all of the papers submitted in regard to this application, it is

ORDERED that the application is denied. We find that the petitioner does not demonstrate the requisite fitness to practice 1aw.

MANGANO, P.J., BRACKEN, O'BRIEN, RITTER and S. MILLER, JJ., concur.

ENTER:

JAMES EDWARD PELZER
James Edward Pelzer
Clerk

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION SECOND DEPT
I, JAMES EDWARD PELZER, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on Jun 13, 2000 and that this copy is a correct transcription of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on Jun 13, 2000
S/_____
James Edward Pelzer

MATTER OF McDONNELL, CHRISTOPHER PETER

Supreme Court of the State of New York
Appellate Division : Second Judicial Department
2260E
O/bl

(NOT TO BE PUBLISHED)

GUY JAMES MANGANO, P.J.
LAWRENCE J. BRACKEN
ALBERT M. ROSENBLATT
SONDRA MILLER
CORNELIUS J. O'BRIEN, JJ.

95-10109
DECISION & ORDER ON APPICATION
In the Matter of the Application of
Christopher Peter McDonnell, for
Admission to the Bar of the
State of New York.

DECISION & ORDER ON APPLICATION

Application by Christopher Peter McDonnell for admission to the Bar of the State of New York. By a decision and order of this court dated January 4, 1996, the petitioner's first application for admission to the Bar was denied. By a further order of this court dated March 27, 1996, the petitioner's motion, *inter alia,* for reargument of his first application for admission to the Bar was denied, and the petitioner filed a notice of appeal in the Court of Appeals. By an order of that court dated May 7,1996, the petitioner's appeal was dismissed *sua sponte.*

Upon all of the papers submitted in regard to this application, it is

ORDERED that the application is denied. We find that the petitioner does not demonstrate the requisite fitness to practice law.

MANGANO, P.J., BRACKEN, ROSENBLATT, MILLER and O'BRIEN, JJ., concur.

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION SECOND DEPT
I, MARTIN H. BROWNSTEIN, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on Jan 20, 1998 and that this copy is a correct transcription of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on Jan 20, 1998
S/_____

ENTER:

Martin H. Brownstein
Clerk

Supreme Court of the State of New York
Appellate Division : Second Judicial Department
9229S
O/cs

(NOT TO BE PUBLISHED)

GUY JAMES MANGANO, P.J.
LAWRENCE J. BRACKEN
VINCENT R. BALLETTA, JR.
SONDRA MILLER
THOMAS R. SULLIVAN, JJ.

95-10109

In the Matter of the Application of
Christopher Peter McDonnell, for
Admission to the Bar of the
State of New York.

DECISION & ORDER ON APPLICATION

Application by Christopher Peter McDonnell for admission to the Bar of the State of New York.

Upon all of the papers submitted in regard to this application, it is

ORDERED that the application for admission to practice is denied. We find that the petitioner does not demonstrate the requisite fitness to practice law.

MANGANO, P.J., BRACKEN, BALLETTA, MILLER and SULLIVAN, JJ., concur.

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION SECOND DEPT
I, MARTIN H. BROWNSTEIN, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on Jan 04, 1996 and that this copy is a correct transcription of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on Jan 04, 1996
S/_____

ENTER:

Martin H. Brownstein
Clerk

January.4, 1996

MATTER OF McDONNELL, CHRISTOPHER PETER

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL
DEPARTMENT

In the Matter of the Application of
CHRISTOPHER PETER MCDONNELL, for Admission
to the Bar of the State of New York.

Index No. 95-10109

APPLICANT'S
AFFIDAVIT IN
SUPPORT OF MOTION

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

CHRISTOPHER PETER MCDONNELL, applicant in the above-captioned proceeding, being duly sworn deposes and says:

1. I, Christopher Peter McDonnell. am an individual residing at 27-06 160th Street, Flushing, County of Queens, State of New York.

2. I have no other applications pending in this or any other court for the relief requested herein.

3. I make this application to the Bar of the State of New York based upon new facts evidencing my character and

fitness to practice law since my last application over two years ago.

4. I am a person of good moral character, a person with utmost respect for our judicial system, and a person who possesses the requisite fitness to practice law as demonstrated by the following:

(a) I am currently duly admitted to practice as an attorney at law in the State of New Jersey. (See Exhibit "A" annexed to this Affidavit)

(b) I am currently duly admitted to practice as an attorney at law and am in good standing as a member of the United States District Court, District of New Jersey. (See Exhibit "B" annexed to this Affidavit)

(c) I have been certified to the Supreme Court of New Jersey as having satisfied my Skills and Methods Course first year requirements. (See Exhibit "C" annexed to this Affidavit)

(d) I have been certified to the Supreme Court of New Jersey as having satisfied my Skills and Methods course second year requirements. (See Exhibit "D" annexed to this Affidavit)

(e) I am currently duly admitted to practice as an attorney at law and am in good standing as a member of the United States Tax Court. (See Exhibit "E" annexed to this Affidavit)

(f) I am currently duly admitted to practice law and am a member in good standing of the United States Court of International Trade. (See Exhibit "F" annexed to this Affidavit)

(g) I am a member in good standing of the New Jersey State Bar Association.

(h) I am a member in good standing of the American Bar Association.

(i) I am a member in good standing of the Middlesex County Bar Association.

(j) I am a *pro bono* speaker for the New Jersey State Bar Foundation. I have never refused a request by the Foundation to speak. I have spoken on the following occasions, on the following topics to the following groups:

(1) Bias Crime, Prejudice Education and Hate Crimes, to a cultural diversity class in the South Amboy High School, South Amboy, New Jersey on November 18, 1998; (See Exhibits "G" and "H" annexed to this Affidavit)

(2) Special Education Law, to the administrators, faculty, staff and parents of the South Amboy High School, South Amboy, New Jersey, on May 19, 1999; (See Exhibits "I" and "J" annexed to this Affidavit)

(k) My practice of law has predominantly been as a pool attorney for the Office of the Public Defender, State of New Jersey. Essex County, Juvenile Division. I have been a pool attorney since October 7, 1998. (See Exhibit "K" annexed to this Affidavit)

(l) I represent indigent parents who are seeking to rehabilitate themselves and regain custody of their children. I have also represented indigent parents who are trying to prevent their parental rights from being terminated. (See Affidavit of Norman R. Friedman, Deputy Public Defender, County of Essex annexed to this Affidavit as Exhibit "L")

(m) In an effort to gain greater competence and proficiency in my area of practice, I attended and completed the Family

Court Improvement Project entitled "Children and Courts" sponsored by the Administrative Office of the Courts, State of New Jersey on January 26, 1999. This was training session focusing on forensic evidence and treatment issues involving child abuse/neglect.

(n) In an effort to gain greater competence and proficiency in my area of practice, I attended and completed training by the Office of the Public Defender in Title 9 of the N.J.S.A. (child abuse/neglect) and Title 30 of the N.J.S.A. (termination of parental rights) on September 8, 1999. (See Certification of Completion, Office of Public Defender, Exhibit "M", annexed to this Affidavit)

(o) As a pool attorney, I have rendered competent representation to over fifty indigent (50) clients and have been courteous and professional during my appearances in the Courts of New Jersey. (See Affidavits of Judge Simonelli, Judge Harris and Judge Cassini, annexed respectively to this Affidavit as Exhibits "N", "O", and "P".

(p) I have been courteous and professional with my adversaries. (See Affidavits of Deputy Attorney General, Mary Pat Baxter, and Deputy Attorney General, Jane E. Kutch, annexed respectively to this Affidavit as Exhibits "Q", "R")

(q) I am an authorized attorney for the Legal Club of America, a national service that offers ongoing legal assistance and representation at reduced fees to its members.

(r) I have attended and completed a training seminar for *pro bono* attorneys sponsored by the Legal Services of New Jersey Domestic Violence Representation Project and the Hispanic Bar Association of New Jersey on January 13, 1999.

(s) I have rendered *pro bono* representation to the indigent victims of domestic violence through my participation with the Legal Services of New Jersey, located at 100 Metroplex Drive, Suite 402, Edison, New Jersey.

(t) Since my last application, I have received an improved evaluation with respect to my manner of instruction as a Professor of Business Law in the City University of New York. (See Telefsen Evaluation, annexed to this Affidavit as Exhibit "S").

(u) In order to better protect and serve the interests of my clients, I maintain a professional liability policy in the amount of $500,000/$1,000,000. (See Exhibit "T" annexed to this Affidavit).

(v) Based upon my previous service in the community, I have been commended by New York State Governor George Pataki, for loyalty to the principles of freedom and democracy in August of 1998. (See Pataki Certificate of Appreciation Exhibit, annexed to this Affidavit as Exhibit "U")

7. Having been born and raised in Queens, New York, it is my heartfelt aspiration to practice law in the great State of New York, particularly in the illustrious counties of Kings and Queens.

8. With respect to previous issues raised by the Appellate Division and the Committee on Character and Fitness, I sincerely regret any initial misinterpretations with respect to any application questions and I sincerely regret any disdain or inconvenience caused to the Honorable John Leone. I have come to understand that Judge Leone is a man of honor, integrity and respect. As an esteemed and venerable member of the bench, Judge Leone should be accorded the appropriate respect.

9. I acknowledge that any prior misconduct on my part was the result of inexperience.

10. I am contrite for any prior misconduct and would ask the Court to take note of my lack of venal intent with respect to any prior misconduct.

11. I respectfully submit that based upon the totality of the circumstances, including the new facts sworn to in this Affidavit, the accompanying affidavits, the accompanying exhibits, my rehabilitated demeanor, my current general reputation for character and fitness, my respectful approach to the judicial system, and the foregoing duration of my denial of admission, I now demonstrate the requisite fitness to practice law in New York.

PRAYER FOR RELIEF

WHEREFORE, it is respectfully requested that I be granted the following relief:

(1) an Order admitting me to the Bar of the State of New York; and

(2) such other and further relief as this Court deems just, proper and equitable.

_____

CHRISTOPHER PETER McDONNELL

Sworn to before me
this ____ day of January, 2000

_____

NOTARY

Supreme Court of New Jersey
Certificate of Good Standing

This is to certify that Christopher Peter McDonnell was constituted and appointed an Attorney at Law of this State on January 10, 1998 and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to the laws, rules, and customs of this State.

I do further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect the following: the attorney is current with all obligations to the Lawyers' Fund for Client Protection, is not suspended or disbarred from the practice of law, has not resigned from the Bar of this State, and has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

In testimony whereof I have hereunto set my hand and affixed the Seal of the Supreme Court at Trenton, this 20th day of December, 1999

s/_____
Stephen W. Townsend
Clerk of the Supreme Court

EXHIBIT A

CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA
DISTRICT OF NEW JERSEY SS# 056-40-4205

I, WILLIAM T. WALSH,Clerk of the United States District Court for the District of New Jersey,

DO HEREBY CERTIFY THAT CHRISTOPHER PETER McDONNELL was duly admitted to practice in said Court on FEBRUARY 2, 1998 and is in good standing as a member of the bar of said Court.

Dated at Trenton, New Jersey

WILLIAM T. WALSH
Clerk

on December 3, 1999

By s/_____
Deborah A. Amata
Deputy Clerk

U.S. District Court for the District of New Jersey does not entertain a grievance committee. Contact Board of Bar Examiners New Jersey State Supreme Court.

EXHIBIT B

NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION

The non-profit, continuing education service of the
NEW JERSEY STATE BAR ASSOCIATION
SETON HALL UNIVERSITY
RUTGERS -THE STATE UNIVERSITY OF NEW JERSEY

October 5, 1998

Mr. Christopher P. McDonnell ESQ.
27-06 160 Street
Flushing, NY 11358

Skills ID:9830066

NOTICE OF CERTIFICATION FOR FIRST YEAR

Dear Mr. McDonnell:

I am pleased to inform you that you have been certified to the Supreme Court of New Jersey as having satisfied your R.1:26 Skills and Methods Course first year requirements.

Please retain this letter for your own records. You may need it to obtain continuing legal education credits in other jurisdictions. Each first year seminar qualifies for six hours of CLE credits.

For your files, I am including below a synopsis of your first year performance record as follows:

COURSE DESCRIPTION	ATTN DAY1	ATTN DAY2	GRADE
Family Law 1st Year Skills	y	y	pass
Real Estate 1st Year Skills	y	y	pass
Will Drafting 1st Year Skills	y	y	pass
Professional Responsibility 1st Year Ski	y	y	pass
Criminal Trial 1st Year Skills	y	y	pass

EXHIBIT C

Please keep in mind that, if you have not already done so, you will still need to satisfy both your second and third year Skills and Methods Course requirements before you will have completed all of your R.1:26 obligations.

I am enclosing registration forms (containing both descriptive information about the remaining R.1:26 requirements and a schedule of offerings) for upcoming Skills and Methods Course second and third year seminars. These seminars will fill to capacity rather quickly. However, you may accelerate the completion of these obligations as early as you wish and thereby avoid the possibility of later becoming closed-out of a convenient location at a time when you will be facing a completion deadline. So, register now. Please simply complete and return the appropriate form along with your tuition payment.

I wish you much success in your legal career. If ICLE can help you at anytime in the future, please do not hesitate to contact our Customer Service Department at (732) 214-8500.

Very truly yours,

Joseph J. Hogya, Esq.
Assistant Executive Director &
Skills and Methods Course Director

ONE CONSTITUTION SQUARE * NEW BRUNSWICK,
NEW JERSEY 08901-150* (732)214-8500* FAX (732) 249-0383

NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION

The non-profit, continuing education service of the
NEW JERSEY STATE BAR ASSOCIATION
SETON HALL UNIVERSITY
RUTGERS -THE STATE UNIVERSITY OF NEW JERSEY

May 25, 1999

Mr. Christopher P. McDonnell ESQ.
27-06 160 Street
Flushing, NY 11358

Skills ID..9830066

NOTICE OF CERTIFICATION FOR SECOND YEAR

Dear Mr. McDonnell:

I am pleased to inform you that you have been certified to the Supreme Court of New Jersey as having satisfied your R.1:26 Skills and Methods second year requirements.

Please retain this letter for your own records. You may need it to obtain continuing legal education credits in other jurisdictions. Each second year seminar qualifies for three and one-half hours of credit.

For your file, I am including below a synopsis of your second year performance record as follows:

COURSE DESCRIPTION	ATTN DAY1	ATTN DAY2	GRADE
Administrative Law Practice	Y	Y	Y
Civil Trial Practice	Y	Y	Y

EXHIBIT D

Please keep in mind that, if you have not already done so, you will still need to satisfy your third year Skills and Methods Course requirements before you will have completed all of your R.1:26 obligations. If you have already satisfied these additional requirements, you will receive under separate cover letters informing you that you have been certified to the Supreme Court as having satisfied these requirements.

I am enclosing a registration form (containing both descriptive information about the remaining R.l:26 requirements and a schedule of offerings) for upcoming Skills and Methods Course third year seminars. These seminars will fill to capacity rather quickly. However, you may accelerate the completion of these obligations as early as you wish and thereby avoid the possibility of becoming closed-out of a convenient location at a time when you will be facing a completion deadline. So, register now. Please simply complete and return the appropriate form along with your tuition payment.

I wish you much success in your legal career. If ICLE can help you at anytime in the future, please do not hesitate to contact our Customer Service Department at (732) 214-8500.

Very truly yours,

Joseph J. Hogya, Esq.
Assistant Executive Director &
Skills and Methods Course Director

ONE CONSTITUTION SQUARE * NEW BRUNSWICK, NEW JERSEY 08901-150 * (732) 214-8500* FAX (732) 249-0383

UNITED STATES TAX COURT
WASHINGTON, DC 20217

I, Charles S. Casazza, Clerk of the United States Tax Court, do hereby certify that Christopher Peter McDonnell was duly admitted to practice before this Court, as attorney at law, on March 17, 1998, and is at this date in good standing as a member of the bar of this Court.

IN WITNESS WHEREOF my signature and the seal of the United States Tax Court, has been affixed at the City of Washington, District of Columbia, this second day of December, 1999.

Charle S. Casazza
Clerk of the Court

By: s/_____
Lynne L. Glasser
Deputy Clerk of the Court

EXHIBIT E

UNITED STATES
COURT OF INTERNATIONAL TRADE

CERTIFICATE OF GOOD STANDING

I, Leo M. Gordon, Clerk of the United States Court of International Trade, do hereby certify that Christopher P. McDonnell was, on the 8 day of April, 1998, duly admitted to practice as an attorney and counsellor at law of the United States Court of International Trade and is now a member of the bar in good standing.

In Testimony Whereof 1 have hereunto subscribed my name and affixed the seal of this Court, this 30 day of November 1999

LEO M. GORDON
Clerk of the Court
United States Court of International Trade
By: s/_____
Gail R. Jeby, Fiscal Operations Manager

EXHIBIT F

New Jersey
State Bar Foundation
NEW JERSEY LAW CENTER * ONE CONSTITUTION SQUARE
NEW BRUNSWICK, NEW JERSEY 08901-1500
(732) 249-5000 FAX (732) 828-0034

October 16, 1998

Mr. Christopher Peter McDonnell, Esq.
Law Firm of Christopher P. McDonnell
731 Highway 18
East Brunswick, N.J. 08816

Dear Mr. McDonnell:

Thank you so much for agreeing to participate in our Speaker's Bureau. Details of the request are enclosed.

Tony Gonsalves of the South Amboy High School (Cultural Diversity Class) will be in touch with you to discuss the details of the presentation, information about the group and directions to the meeting.

Your cooperation is a significant factor in the success of the Foundation's law-related education programs for the public, and we appreciate your time and interest.

Please call me at (732) 937-7528 if you have any questions.

Sincerely,

S/_____
Carmen Delia Diaz
New Jersey State Bar Foundation
Enclosure

NEW JERSEY STATE BAR FOUNDATION
SPEAKERS BUREAU

Thank you for requesting a speaker. Please call the speaker listed below directly upon receipt of this information to confirm and discuss details.

Name of Speaker:	Mr. Christopher Peter McDonnell, Esq.
Address:	Law firm of Christopher P. McDonnell 731 Highway 18 East Brunswick, N.J. 08816
Telephone Number:	(732) 238-7549
Fax Number:	(732) 238-7549
Name of School:	South Amboy High School (Cultural Diversity Class)
Contact Person:	Tony Gonsalves
Telephone Number of Contact:	(732) 316-7669
Date of speaking engagement:	Wednesday November 18, 1998
Time	1:00 - 1:30 P.M.
Place:	South Amboy High School 200 Hoffman Place South Amboy N.J. 08879
County:	Middlesex
Topic:	Bias Crime Prejudice Reduction, Hate Crimes
Time for Speaker:	30 Minutes
Audience Size:	Approximately 20 High School Students

EXHIBIT H

Attention Organizational Contact Person: If you must cancel or postpone, PLEASE notify speaker immediately. Please remember that it is your responsibility to call the speaker upon receipt of this form. It is also a good idea to reconfirm with your speaker a day or two before the speaking date.

Attention Speaker: Please notify the organization and the New Jersey State Bar Foundation immediately if you must cancel or reschedule. Please try to find a substitute to take your place as it is difficult to obtain a speaker at the "last minute".

Questions? Please call Carmen D. Diaz at (732) 937-7528, or write to the New Jersey State Bar Foundation, One Constitution Square, New Brunswick, NJ 08901-1500.

NEW JERSEY STATE BAR FOUNDATION
NEW JERSEY LAW CENTER * ONE CONSTITUTION SQUARE
NEW BRUNSWICK, NEW JERSEY 08901-1500
(732) 937-7520 FAX (732) 828-0034

Thank you for requesting a speaker. Please call the speaker listed below directly upon receipt of this information to confirm and discuss details.

Attention Organizational Contact Person: If you must cancel or postpone, PLEASE notify speaker immediately. Please remember that it is your responsibility to call the speaker upon receipt of this form. It is also a good idea to reconfirm with your speaker a day or two before the speaking date.

Attention Speaker: Please notify the organization and the New Jersey State Bar Foundation immediately if you must cancel or reschedule. Please try to find a substitute to take your place as it is difficult to obtain a speaker at the "last minute".

Name of Speaker	Christopher P. McDonnell. Esq.
Address:	Law Offices of Christopher P. McDonnell 731 Highway 18 East Brunswick. NJ 08816
Telephone Number:	732-238-7549
Name of Organization:	South Amboy Elementary School-Parents group
Contact Person:	Michelle Roberts
Telephone Number of Contact:	732-525-2113
Date of Speaking Engagement:	Wednesday, May 19, 1999
Time:	7:00P.M.

EXHIBIT I

Meeting Place:	South Amboy Elementary School 249 John Street South Amboy
County:	Middlesex
Topic:	Special Education Law
Time for Speaker:	45-60 Mins.
Audience Size:	Approx. 20 parents-Spec. Ed. Children

Questions? Please call Pat Boysen at (732) 937-7520, or write to the New Jersey State Bar Foundation, One Constitution Square, New Brunswick, NJ 08901-1500.

Certificate of Appreciation
Presented to
Mr. Christopher P. McDonnell
For presenting the Special Education Law workshop to the community of South Amboy.

s/_____
Michelle Roberts May 19,1999
Parent School Partnership Coordinator

EXHIBIT J

State of New Jersey
Office of the Public Defender
Essex Juvenile Region
31 Clinton Street, 4th Floor
P.O. Box 46008
Newark, NJ 07102

Christine Todd Whitman
Governor

Ivelisse Torres
Public Defender
Tel: (973) 648-3470
Fax: (973) 648-2028

October 7, 1998

Christopher P. McDonnell
Attorney At Law
731 Highway 18
East Brunswick, NJ 08816

Dear Mr. McDonnell:

I have received your letter dated September 9, 1998. I am very happy to place you on the pool list representing adult's child abuse and neglect cases (Title 9). However, it must be understood that our clients are primarily from the Newark-Orange area and it will be your responsibility to make arrangements for client interviews in this area.

Additionally, it must be understood that the Office of the Public Defender can not reimburse you for your travel expenses.

EXHIBIT K

Very *truly* yours

s/_____
Norman R. Friedman,
Deputy Public Defender

NRF/cgl

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

In the Matter of the Application of CHRISTOPHER PETER MCDONNELL, for Admission to the Bar of the State of New York.

AFFIDAVIT

STATE OF NEW JERSEY)
) ss:
COUNTY OF ESSEX)

Norman Friedman, being duly sworn deposes and says:

1. I am the Deputy Public Defender for the Office of the Public Defender, County of Essex, Juvenile Division, located at 31 Clinton Street, Newark, New Jersey.

2. I make this affidavit in support of Christopher Peter McDonnell for admission to the Bar of the State of New York.

3. Mr. McDonnell has been a pool attorney for the Office of the Public Defender for approximately 1 1/2 years.

4. Mr. McDonnell has represented indigent parents in child abuse/neglect and guardianship cases.

5. Mr. McDonnell has attended all training sessions offered by this Office with respect to parental representation.

6. Mr. McDonnell has represented the clients assigned to him in a competent, courteous and professional manner.

s/_____
NORMAN R. FRIEDMAN, ESQ.

Sworn to before me this 21st day of, Dec 1999
s/_____
NOTARY

Jane E. Windbush
Notary Public of New Jersey
My Commission expires April 11, 2000

CERTIFICATE OF COMPLETION
OFFICE OFTHE PUBLIC DEFENDER

Hereby Certifies that on September 8, 1999

CHRISTOPHER P. MCDONNELL
successfully completed Title 9 and Title 30 training in compliance with the 1999 amendments to N.J.S.A. 30:4C

*s/*_____
Ivelisse Torres
Public Defender

EXHIBIT M

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

In the Matter of the Application of CHRISTOPHER PETER MCDONNELL, for Admission to the Bar of the State of New York.

AFFIDAVIT

STATE OF NEW JERSEY)
) ss.:
COUNTY OF ESSEX)

Honorable Marie Simonelli, being duly sworn deposes and says:

1. I am a Judge in the Superior Court of New Jersey, Chancery Division, Family Part, County of Essex, State of New Jersey.

2. I make this affidavit in support of Christopher Peter McDonnell for admission to the Bar of the State of New York.

3. Mr. McDonnell has appeared before me numerous times in the past year as a pool attorney for the Office of the Public Defender.

4. Mr. McDonnell has represented parents in child abuse/neglect cases and guardianship cases.

5. I found Mr. McDonnell's representation to be competent.

6. Mr. McDonnell has always acted with courtesy and professionalism in my Court.

s/_____
HON. MARIE SIMONELLI

Sworn to before me
this 15th day of December, 1999
s/_____
Pricilla Wasaz
NOTARY

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 11, 2002

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

In the Matter of the Application of CHRISTOPHER PETER MCDONNELL, for Admission to the Bar of the State of New York.

AFFIDAVIT

STATE OF NEW JERSEY)
) ss.:
COUNTY OF ESSEX)

Honorable Craig R. Harris, being duly sworn deposes and says:

1. I am a Judge in the Superior Court of New Jersey, Chancery Division, Family Part, County of Essex, State of New Jersey.

2. I make this affidavit in support of Christopher *Peter* McDonnell for admission to the Bar of the State of New York.

3. Mr. McDonnell has appeared before me numerous times in the past year as a pool attorney for the Office of the Public Defender.

4. Mr. McDonnell has represented indigent parents in child abuse/neglect cases and guardianship cases.

5. I found Mr. McDonnell's representation to be competent.

EXHIBIT O

6. Mr. McDonnell has always acted with courtesy and professionalism in my Court.

s/_____
HON. CRAIG R. HARRIS

Sworn to before me
this 5th day of January 2000
s/_____
Pricilla Wasaz
NOTARY

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb 11, 2002

SUPREME COURT OF THE STATE OF NEW YORK
AFPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

In the Matter of the Application of CHRISTOPHER PETER MCDONNELL, for Admission to the Bar of the State of New York.

AFFIDAVIT

STATE OF NEW JERSEY)
) ss.
COUNTY OF ESSEX)

Honorable Joseph C. Cassini, III, being duly sworn deposes and says:

1. I am a Judge in the Superior Court of New Jersey, Chancery Division, Family Part, County of Essex, State of New Jersey.

2. I make this affidavit in support of Christopher Peter McDonnell for admission to the Bar of the State of New York.

3. Mr. McDonnell has appeared before me numerous times in the past year as a pool attorney for the Office of the Public Defender.

4. Mr. McDonnell has represented indigent parents in child abuse/neglect cases and guardianship cases.

EXHIBIT P

5. I found Mr. McDonnell's representation to be competent.

6. Mr. McDonnell has always acted with courtesy and professionalism in my Court.

s/_____
HON. JOSEPH C. CASSINI, III

Sworn to before me
this 6 day of Jan 2000
s_____
NOTARY

Angela F. Conte
A Notary Public of New Jersey
My Commission Expires 8/16/04

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

In the Matter of the Application of CHRISTOPHER PETER MCDONNELL, for Admission to the Bar of the State of New York.

AFFIDAVIT

STATE OF NEW JERSEY)
) ss.:
COUNTY OF ESSEX)

Mary Pat Baxter, being duly sworn deposes and says:

1. I am a Deputy Attorney General for the Division of Law, State of New Jersey.

2. I regularly represent the Division of Youth and Family Services in child abuse/neglect matters.

3. I make this affidavit in support of Christopher Peter McDonnell for admission to the Bar of the State of New York.

4. Mr. McDonnell, as a pool attorney for the Essex County Public Defender, has represented indigent parents in child abuse/neglect cases and guardianship cases.

5. Mr. McDonnell, in such capacity, has been my opposing counsel in numerous cases in the past year.

6. Mr. McDonnell has always conducted himself in a courteous, competent and professional manner when acting as my opposing counsel.

s_____
MARY PAT BAXTER, ESQ.

Sworn to before me this 6 day of January, 2000

s_____
NOTARY

Ricardo Caamano III, ESQ.
An Attorney, State of NJ

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

In the Matter of the Application of CHRISTOPHER PETER MCDCNNELL$_1$ for Admission to the Bar of the State of New York.

AFFIDAVIT

STATE OF NEW JERSEY)
) ss.:
COUNTY OF ESSEX)

Jane E. Kutch, being duly sworn deposes and says:

1. I am a Deputy Attorney General for the Division of Law, State of New Jersey.

2. I regularly represent the Division of Youth and Family Services in child abuse/neglect matters.

3. I make this affidavit in support of Christopher Peter McDonnell for admission to the Bar of the State of New York.

4. Mr. McDonnell, as a pool attorney for the Essex County Public Defender, has represented indigent parents in child abuse/neglect cases and guardianship cases.

5. Mr. McDonnell, in such capacity, has been my opposing counsel in numerous cases in the past year.

6. Mr. McDonnell has always conducted himself in a courteous, competent and professional manner when acting as my opposing counsel.

s/_____
JANE E. KUTCH, ESQ.

Sworn to before me this 5th day of Jan. 2000
s/_____
NOTARY

WALTER E. FLORCZAK
Attorney at Law of State of New Jersey

REPORT ON OBSERVATION OF TEACHING

DEPARTMENT OF BUSINESS Date November 13, 1999

Instructor Christopher McDonnell
Course & Reference No. Bus160-8905
Observer Thomas Tellefsen No. of Students 22
Time and Room No. 9am 3N-106
Topic and Brief summary of Lesson:
Agency:(a) requirements for forming agency relationships.
(b) comparison of agency and employee relationships

Evaluation Factors:	Superior	Above Average	Average	Below Average	Unsatisfactory
1.Command of Subject Matter	X				
2.Presentation of Material	X				
3.Ability to Explain Lesson	X				
4.Creation of Interest in Subject	X				
5.Class control		X			
6.Composure, voice, speech, diction	X				

EXHIBIT S

7. Attitude Toward Students

Very sympathetic, helpful and actively concerned	1 Superior _x_
Sympathetic and concerned with student outcomes	2 Above Avg.___
Moderately concerned, limited individual interaction	3 Average ____
Not concerned enough, little individual contact	4 Below Avg.___
Needs dramatic improvement in matters of student concern	5 Far Below avg.____
Otherwise unsatisfactory (comment)	

8. Attitude Toward Subject

Very interested, enthusiastic, enjoys Teaching, inspires students	1 Superior _x_
Quite interested, teaches subject well	2 Above Avg.___
Interested, with a satisfactory teaching Performance	3 Average ____
Not interested enough, teaches the subject as if it were a necessary routine	4 Below Avg.___
Hardly interested, teaches subject out of necessity, bores students, or refuses to lecture (reads from text)	5 Far Below avg._
Otherwise unsatisfactory (comment)	

Instructor Christopher McDonnell Date November13, 1999

Observer Thomas Tellefsen

Strengths and Commendations:
Strong rapport with students. Addressed students by name and engaged them in lively discussions of the topic.
Used the Socratic method to draw students into the analysis and help them reach effective conclusions.
Used real world examples to illustrate key points. Continued to expand on one example to demonstrate the nuances of the law. Moved around the class room, monitored student participation and called on less active students.

Weaknesses and Recommendations:
None.

Remarks From Class Conference (conducted only with Instructor's permission)

The students liked Professor McDonnell. They felt that his class was well organized and that his tests were fair.

OVERALL EVALUATION	Superior	Above Average	Average	Below Average	Unsatisfactory
		X			

ADDITIONAL COMMENTS:

Signed s/_____
Thomas Tellefsen - Observer

Signed s/_____
Christopher McDonnell - Instructor

The College of Staten Island
Department of Business

Post-Observation Conference

Instructor's Name Christopher McDonnell

Date of Observation November 13,1999

Name of Observer Thomas Tellefsen

Date of Discussion November 13,1999

Signed s/_____
Thomas Tellefsen
Observer
11/18/99
Date

Signed s/_____
Christopher McDonnell
Instructor

Professional
Liability
Insurance, Inc.
an affiliate of Harry David Zutz Insurance Inc.

July 15, 1999

Christopher P. McDonnell
P.O. Box 6717
731 Highway 18
East Brunswick, NJ 08816

RE: Professional Liability Coverage
Policy #: Under Binder
Effective/Expiration Date: 07/15/00

Dear Mr. McDonnell:

I am pleased to enclose our Binder #Z99-726, confirming that we have bound Professional Liability coverage on your behalf for a one year period beginning 07/15/00. The binder will serve as temporary evidence of insurance, pending receipt of the actual policy from the insurance carrier.

I trust you will find the enclosure to be in order, but if you should have any questions, please feel free to contact me. I will send the policy to you as soon as it received in our office.

EXHIBIT T

Sincerely,

PROFESSIONAL LIABILITY INSURANCE, INC.

s_____
Sharon L. Ruth
Underwriting Manager

/slr

Enclosure

300 Delaware Avenue • P0. Box 2287 . Wilmington, DE 19899 • 302.658-8000 1-800-441-9385 Fax: 1-302-658-8015 • www.zutz-pli.com

ACORD INSURANCE BINDER

CSR SR | DATE (MM/DD): 07/15/

THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM.

PRODUCER | PHONE (A/C, No, Ext): 302-658-8000

Attorney's Advantage Program
300 Delaware Avenue
Wilmington DE 19801
Lawrence I. Zutz

CODE: | SUB CODE:

AGENCY CUSTOMER ID: MCDON07

COMPANY: TIG Insurance Co.-NJ (AN1)

BINDER #: 15705 Z99-726 slr

EFFECTIVE DATE	TIME		EXPIRATION DATE	
07/15/99	12:01	X AM / PM	08/15/99	X

THIS BINDER IS ISSUED TO EXTEND COVERAGE IN THE ABOVE NAMED COMPANY PER EXPIRING POLICY #:

INSURED

Christopher P. McDonnell
P.O. Box 6717
731 Highway 18
East Brunswick NJ 08816

DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location)
Lawyers Professional Liability Coverage

A-50

COVERAGES

TYPE OF INSURANCE	COVERAGE/FORMS	LIMITS		
PROPERTY — CAUSES OF LOSS: ☐ BASIC ☐ BROAD ☐ SPEC		DEDUCTIBLE	COINS %	AMOUNT
GENERAL LIABILITY: ☐ COMMERCIAL GENERAL LIABILITY; ☐ CLAIMS MADE ☐ OCCUR; ☐ OWNER'S & CONTRACTOR'S PROT	RETRO DATE FOR CLAIMS MADE:	GENERAL AGGREGATE		$
		PRODUCTS - COMP/OP AGG		$
		PERSONAL & ADV INJURY		$
		EACH OCCURRENCE		$
		FIRE DAMAGE (Any one fire)		$
		MED EXP (Any one person)		$
AUTOMOBILE LIABILITY: ☐ ANY AUTO; ☐ ALL OWNED AUTOS; ☐ SCHEDULED AUTOS; ☐ HIRED AUTOS; ☐ NON-OWNED AUTOS		COMBINED SINGLE LIMIT		$
		BODILY INJURY (Per person)		$
		BODILY INJURY (Per accident)		$
		PROPERTY DAMAGE		$
		MEDICAL PAYMENTS		$
		PERSONAL INJURY PROT		$
		UNINSURED MOTORIST		$
				$
AUTO PHYSICAL DAMAGE — DEDUCTIBLE: ☐ COLLISION: ☐ OTHER THAN COL:	☐ ALL VEHICLES ☐ SCHEDULED VEHICLES	☐ ACTUAL CASH VALUE; ☐ STATED AMOUNT; ☐ OTHER		$
GARAGE LIABILITY: ☐ ANY AUTO		AUTO ONLY - EA ACCIDENT		$
		OTHER THAN AUTO ONLY: EACH ACCIDENT		$
		AGGREGATE		$
EXCESS LIABILITY: ☐ UMBRELLA FORM; ☐ OTHER THAN UMBRELLA FORM	RETRO DATE FOR CLAIMS MADE:	EACH OCCURRENCE		$
		AGGREGATE		$
		SELF-INSURED RETENTION		$
WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY		☐ STATUTORY LIMITS		
		EACH ACCIDENT		$
		DISEASE - EACH EMPLOYEE		$
		DISEASE - POLICY LIMIT		$
SPECIAL CONDITIONS/ OTHER COVERAGES: Lawyers Professional Liability Coverage "claims-made" Limits of Liability $500,000/1,000,000 with a $5,000 each and every claim deductible PRIOR ACTS EXCLUSION EFFECTIVE 7/15/99		FEES		$
		TAXES		$
		ESTIMATED TOTAL PREMIUM		$

NAME & ADDRESS

☐ MORTGAGEE ☐ ADDITIONAL INSURED
☐ LOSS PAYEE

LOAN #

AUTHORIZED REPRESENTATIVE

Lawrence I. Zutz, Jr. ©

ACORD 75-S (1/97) NOTE: IMPORTANT STATE INFORMATION ON REVERSE SIDE ©ACORD CORPORATION 1

BEST AVAILABLE COPY

New York Republican State Committee
Certificate of Appreciation
Albany, New York

The officers of the New York Republican State Committee hereby commend you for loyalty to the principle of freedom and democracy and invaluable support of the Republican Party and its candidates, who strive to bring to the people of this state, responsive, dedicated government which provides rich opportunity for all citizens to enjoy a happy rewarding life.

Committee Member
Christopher McDonnell
Queens County

Presented this August, 1998

s/_____
George Pataki
Governor

s/_____
Republican State Chairman

New York Republican State Committee 315 State Street
Albany, New York 12210 518/462-2601

EXHIBIT U

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND JUDICIAL
DEPARTMENT

In the Matter of the Application of
CHRISTOPHER PETER MCDONNELL, for
Admission to the Bar of the State of
New York.
Case No: 95-10109

REPLY AFFIRMATION

SETH I. BEN-EZRA, Esq., an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms under the penalty of perjury that:

1. I am the attorney for applicant/petitioner, CHRISTOPHER PETER MCDONNELL.

2. I submit this affirmation in support of a motion dated February 1, 1996 seeking reversal or redetermination and leave to appeal an Order entered by Martin H. Brownstein, Clerk of the Appellate Division, Second Judicial Department, (hereafter, "Appellate Division"), on January 4, 1996. (Said Decision and Order previously annexed to my Affirmation dated February 1, 1996 as "Exhibit A")

3. The following Reply shall not constitute an admission with respect to the filing and/or service of any purported opposition papers. Furthermore, in the event such papers shall be accepted for review by the Court, it must be noted that said papers oppose solely the request by petitioner for leave to appeal. The purported opposition papers, do not even attempt to oppose petitioner's primary prayer for relief,

viz., reversal of the Decision and Order of January 4, 1996. Accordingly, it is petitioner's position that such prayer for relief remains unopposed.

4. In the affirmation in support of the above-referenced motion, I described the factual background and procedural posture of the above-captioned proceeding.

5. In said motion, Petitioner respectfully alleged that both the Committee on Character and Fitness and the Appellate Division violated Petitioner's rights to due process under the law. Further, said motion sought leave of the Appellate Division to appeal the Decision and Order of January 4, 1996 to the Court of Appeals, State of New York.

6. The above-referenced motion was made returnable on February 16, 1996 at 9:30am, at the Appellate Division, 45 Monroe Place, Brooklyn, N.Y. Said motion, on request of one Stephen B. Seiber, Esq., Assistant Secretary of the Committee on Character and Fitness, was adjourned until March 4, 1996 at 9:30am.

7. On March 4,1996, at 9:30am, your affirmant personally appeared at the Appellate Division, 45 Monroe Place. Your affirmant was informed by several individuals, including one Linda Clerk, that the above-referenced hearing was not to be heard. Rather, the file would be sent, that afternoon, to the court for review.

8. Your affirmant sought review of the file to determine conclusively whether any Opposition Papers had been filed, as no such papers had been served on your affirmant or Petitioner.

9. Review of the file by your affirmant on March 4, 1996 revealed that no such Opposition Papers were submitted to

the court nor had any Notice of Appearance been entered. Furthermore, no party requested an additional adjournment.

10. Upon information and belief, Respondent attempted to serve certain papers on March 6, 1996. However, such papers were not served in accordance with either §2214 of the CPLR or 22 NYCRR §670.5(b) as same were not served seven days prior to the return date of the above-referenced motion nor were they filed with the Clerk of the Appellate Division by 4:00pm of the business day preceding the return date, viz., March 1, 1996, respectively. Furthermore, such papers were purportedly served upon one Patrice Hilepo. Such individual has no authority to accept service on behalf of your affirmant, nor on behalf of Petitioner. Thus, in accordance with the above-referenced provisions of the CPLR and NYCRR, petitioner asserts that the aforementioned motion remains unopposed.

11. Respondent's papers indicate that the Committee on Character and Fitness voted to Admit the applicant by a majority.

12. According to 22 NYCRR 690.16, in the absence of directing that a further hearing be held by a subcommittee, the Committee's decision may recommend approval, disapproval or deferral of action on the application.

13. Respondent's papers indicate that the Committee did not recommend disapproval or deferral of petitioner's application. (See Respondent's Affirmation, p. 3, paragraph 5).

14. Thus, in accordance with 22 NYCRR 690.16, the committee, upon review of the report of the subcommittee "shall render a decision thereon expeditiously." Further, "such decision shall be transmitted to the Appellate Division." (Underlining added). Thus it appears that in any

event the Committee must transmit a decision to the Appellate Division.

15. Review of the record by your affirmant reveals that no such decision was transmitted to the Court. Petitioner is unaware of any rule whereby the Committee is excused from 22 NYCRR §690.16 which mandates that absent deferral, a decision shall be transmitted. Furthermore, except as provided in 22 NYCRR 690.17, petitioner is unaware of any rule whereby the Court may render a decision with respect to an application.

16. Accordingly, if, as Respondent's affirmation indicates, the Committee did not violate Petitioner's due process rights by virtue of the fact that it was not required to serve any statements on the Petitioner as it did not recommend disapproval or deferral of Petitioner's application, then Petitioner asserts that the Committee violated Petitioner's right to procedural due process by failing to transmit a decision to the Appellate Division as required by 22 NYCRR 690.16.

17. Respondent asserts that both Willner and Weiss, "focus on the necessity of a hearing on reasonable notice for a state to meet the requirements of procedural due process before it can exclude an applicant from the practice of law." (See Respondent's Affirmation, p.4, paragraph 8). Respondent further asserts that petitioner was granted such a hearing before the Subcommittee. However, respondent's argument must fail due to the fact that such hearing can not and did not satisfy the requirements of either Weiss or Willner, as notice of said Subcommittee hearing did not and could not have included "a plain and concise statement of the particular charges against [him] on account of which [his] character and fitness to practice law [had] been disapproved...." (See Respondent's Affirmation, p.3, paragraph 7). (Underlining added). In fact, the hearing and

notice thereof contained no reference to any charges whatsoever nor could the hearing or notice thereof have contained the requisite plain and concise statement on account of which a disapproval was based, as there had not yet been any disapproval.

18. Respondent asserts that, in accordance with the mandates of Weiss and Willner, "[P]etitioner was given notice of the charges and a full and fair opportunity to respond to all charges in connection with his application." (See Respondent's Affirmation, p.4, paragraph 9).However, Respondent fails to recognize that petitioner was specifically denied the right to ascertain the identity of a party bearing adverse information with respect to his character and fitness, as well as the right to review such information. In particular, the Subcommittee failed to inform petitioner of a seven page letter bearing such adverse information as is illustrated by the following excerpt:

> "MR. BEN-EZRA: Although there... were many dealings with Judge Leone... we have no indication of what the complaint was, or what the notification was to the Character Committee.
> MS. MENG: Okay. Judge Leone sent a letter simply saying; enclosed please find materials for your review and consideration of the aforementioned applicant for admission to — the practice of law. Thank you for your attention to this matter. And he enclosed copies of a letter from the New York State Commission on Judicial Conduct signed by Gerald Stern, basically to the judge saying that the Commission has completed its inquiry with respect to allegations concerning your actions in the Dime Savings Bank complaint." (Subcommittee Transcript dated

September 7, 1995, p.36, lines 4-20). (Emphasis added).

19. In fact, in addition to the one (1) page letter from the Stern Commission, Judge Leone also enclosed a detailed, seven (7) page letter to the Stern Commission. Said letter contained adverse information with respect to the character and fitness of the applicant. Despite specific requests at the Subcommittee hearing by your affirmant for any information regarding Justice Leone, the Subcommittee failed to disclose the aforementioned letter, leaving the existence thereof unknown to the applicant until February 6, at which time your affirmant was permitted review of the file.

20. Respondent asserts, without reference to any decision, opinion, statute or authority whatsoever, that the denial of access to information adverse to an applicant for admission to the Bar and failure of an arm of the court to follow the laws which govern it do not constitute an issue that is important to the public, novel, that involves a conflict with prior decisions of this court or that involves a conflict among the Appellate Divisions

21. Petitioner vigoursly asserts that such questions present issues which go to the core of the many protections afforded by constitution of this State and the United States, including the right to procedural due process in conneection with ones right and ability to earn a living and the rights of similarly situated people to be treated equally under the law.

WHEREFORE, it is respectfully requested that Respondent's opposition papers be deem null and void, that any relief sought by Respondent be denied in its entirety and that Petitioner's prayer for relief be granted as though unopposed.

Yours, etc.

SETH I. BEN-EZRA, ESQ.

Dated: Brookville, New York
March 14, 1996

TO:Martin H. Brownstein, Clerk of the
Appellate Division, Second Department
45 Monroe Place
Brooklyn, New York 11201

Committee on Character and Fitness
210 Joralemon Street 13th Floor
Brooklyn, New York 11201